

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

CURTIS WHIPPLE, on behalf of the
Southeastern Freight Lines Retirement
Savings Program, himself, and all others
Similarly Situated,

Plaintiffs,

v.

SOUTHEASTERN FREIGHT LINES, INC.,

Defendant.

Civil Action No. 3:23-cv-04583-SAL

**JOINT MOTION TO STAY DEADLINES
AND FOR STATUS CONFERENCE**

Defendant Southeastern Freight Lines, Inc. (the “Defendant”) and Plaintiff Curtis Whipple (the “Plaintiff”) (together, the “Parties”), by and through counsel, pursuant to Rule 6(b)(1)(B) of the Federal Rules of Civil Procedure and Local Rule 6.01, respectfully request that the Court stay the deadlines by which the Parties must complete discovery, conduct mediation, disclose expert witnesses, complete expert discovery, and file dispositive, *Daubert*, and other motions set forth in the Amended Scheduling Order (Dkt. No. 33) pending the outcome of Plaintiff’s Motion for Leave to Amend his Complaint. In support of this Motion, the Parties state the following:

1. Plaintiff filed his Motion for Leave to file the First Amended Complaint in this matter on July 19, 2024 (Dkt. No. 45) (the “Motion for Leave”), which Defendant opposed (Dkt. No. 54). The motion is currently pending.

2. The Court’s disposition of Plaintiff’s Motion for Leave will impact the scope of discovery in this case. Plaintiff’s proposed Amended Complaint would add a new named party, a new count and expand the class period by amending the commencement date from January 1, 2018 to September 11, 2017.

3. The Parties seek a brief stay of discovery deadlines until the scope of the parties and claims is decided in order to conserve the resources of the parties and the Court, and to limit any burden on third-party witnesses.¹

4. Thus far, the Parties have engaged in discovery, including serving initial disclosures, propounding and responding to written discovery requests, including interrogatories, requests for production of documents, and requests for admissions. There have been no depositions.

5. Discovery remaining to be completed will depend upon the outcome of Plaintiff's Motion for Leave, but will include fact and party witness depositions, initial and rebuttal expert disclosures, and expert disclosures and depositions.

6. This is a complex and fact-intensive ERISA class action. There were 10,084 participants in the challenged plan as of December 31, 2021. Discovery is a lengthy process. The Parties will need sufficient time to complete this discovery after the scope of the parties and claims is certain.

7. Accordingly, the Parties request a brief stay of discovery deadlines at this time, and for the Court to set a status conference after Plaintiff's Motion for Leave is decided so that the dates can be re-set based on the Court's ruling.

8. Additionally, the Parties request an extension of the mediation deadline through February 21, 2025. The Parties have agreed to mediate with Mr. Robert Meyer, a prominent and

¹ For example, witnesses who testify now with respect to the claim, parties, and time period currently at issue may be required to testify a second time regarding any new claim or party subsequently allowed into the case. The same is true with respect to searches and review of documents and evidence. Conversely, the parties should not be required to expend resources to conduct discovery into claims which are not currently at issue in the matter and may not be allowed into the matter in the future.

nationally recognized ERISA class action mediator. Mr. Meyer has limited availability, and the Parties are presently attempting to finalize a date.

9. The Parties have not previously requested an extension of discovery or to extend the mediation date in this matter. This Motion is made in good faith and not for purposes of delaying the ultimate resolution of this case and in an effort to allow the Parties sufficient time to gather all pertinent information required for such resolution while minimizing the burden and expense of the litigation. Good cause exists for the Court to grant this Motion.

WHEREFORE, the Parties respectfully request that the Court briefly stay the pending discovery, mediation, and motion deadlines pending the outcome of Plaintiff's Motion for Leave and set a status conference after the Motion for Leave is decided for the purpose of re-setting these deadlines.

Respectfully submitted this 16th day of October, 2024.

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CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2024, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to the parties. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to any non-CM/ECF participants.

/s/ Lauren Heath Carroway

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